

MSA LTD Policy

Complaints

1. PREAMBLE

Marist Schools Australia Ltd (“MSA Ltd”) is a not-for-profit company limited by guarantee. It is a charity registered with the Australian Charities and Not-for-Profits Commission (ACNC), with the purpose of advancing education and advancing religion.

MSA Ltd aims to strengthen the governance of the Education Ministry of the Trustees of the Marist Brothers. MSA Ltd governs, manages and conducts registered non-government schools and school boarding premises in Australia and it is particularly focused on ensuring that the Colleges follow all principles of good governance to maintain compliance with Australian legislation including the Education Legislation and provide a safe environment for its students. All Colleges must ensure the Complaints Handling policy and procedures implemented at school and boarding level are consistent with the MSA Ltd Complaints policy.

2. POLICY STATEMENT

MSA Ltd respects the right of its staff, Colleges and any persons with which MSA Ltd engages to report a complaint or grievance and have it responded to in a prompt, impartial and just manner.

MSA Ltd requires each College to have a Complaints Handling policy that is consistent with this policy, approved by the Board of MSA Ltd and operates effectively at the school and boarding premises level. The College Complaints Policy and procedures will be available on the College website or by requesting a copy from the College.

The MSA Ltd policy is available on the MSA Ltd website or by requesting a copy.

The MSA Ltd policy is intended to cover complaints which cannot be resolved at school or boarding level and are referred to or made directly to or are about MSA Ltd. As such this policy is to be read and observed as complimentary to any College Complaints Handling policy or procedure.

The Colleges have established procedures for complaints handling that are appropriate for their particular environments and it is expected that most complaints can be best managed by the College. Where the complaint cannot be resolved at College level the Complainant and the College Principal has the option of escalating the complaint to the relevant Regional Director for the College.

In receiving and responding to complaints, MSA Ltd will work with the Complainant and the person who is the subject of the complaint with respect, openness and a genuine desire to achieve a fair and reasonable outcome. The matter will be responded to in a timely manner and resolved early where possible. If a satisfactory outcome cannot be achieved, MSA Ltd will provide the Complainant with

options for having the outcome reviewed via a third party or external agency. The Complainant also has the right to seek independent advice from entities including state and territory education regulators such as Victorian Registration and Qualifications Authority, NSW Education Standards Authority, the Australian Human Rights Commission, Victorian Equal Opportunities & Human Rights Commission, Civil and Administrative Tribunals in each state or courts.

MSA Ltd's complaints handling processes will be consistent with current Australian legislation and relevant industrial agreements.

Appropriate levels of confidentiality will be adhered to at all times, and any personal information disclosed will be treated as confidential. However, for legal reasons, absolute confidentiality may not always be possible. These reasons include but are not limited to, duty of care, workplace health and safety, child safeguarding, and child safety reporting obligations.

All complaints are recorded and stored securely.

3. PURPOSE

This policy sets out the expectations for managing complaints at the College level and outlines the principles and procedures that MSA Ltd enacts in receiving and responding to complaints made to it directly about its operations, one of the Colleges or escalated to it by a College or Complainant.

4. SCOPE

This policy applies to complaints escalated by Colleges when the complaint should have but was unable to be resolved at College level including complaints involving:

- Student behaviour
- Teaching and learning programs and assessment
- Parent and carer communication
- Administrative issues
- Boarding

These complaints will be dealt with as formal complaints and the procedures in 6.4 will be followed. Further, if complaints of this type are made directly to MSA Ltd in the first instance, unless the complaint involves the Principal, the complaint will be referred back to the Principal of the relevant College for handling in accordance with the College Complaints Handling Policy and the complainant advised accordingly.

This policy also applies to other complaints made directly to MSA Ltd in the first instance and 6.3 and 6.4 set out the procedures to be followed in these cases.

This policy does not cover complaints regarding:

- **child safeguarding** – whilst child safeguarding complaints can be made via this policy, safeguarding concerns and complaints must then be addressed in accordance with safeguarding policies of a College and/or of MSA Ltd;
- **employment conditions** – concerns and complaints must be addressed in accordance with relevant internal workplace and College policies, and/or industrial agreements;
- **whistleblower disclosures** – concerns or disclosures must be addressed in accordance with MSA Ltd's Whistleblower Protection Policy;
- **enrolment and exclusion** – concerns or complaints must be addressed in accordance with the College's Enrolment and Exclusions Policy

5. DEFINITIONS

“Colleges” means the registered non-government schools (including in some cases registered school boarding premises) located in and operating in Australia which are listed in Part 1 of Schedule 1.

“Complaint” means an expression of dissatisfaction made to or about MSA Ltd, or one of its governed schools, where a response or resolution is explicitly or implicitly expected or legally required.

“Complainant” means the individual raising the complaint.

“Education Legislation” means the laws of Australia applicable to MSA Ltd including the Colleges, as registered non-government schools and in some cases as registered school boarding premises under MSA Ltd’s proprietorship, from time to time including the Australian Education Act 2013 (Cth), the Australian Education Regulation 2013 and the Education Acts (by whatever name) and Regulations made under those Acts, applicable in the states and territories in which the Colleges operate, as amended from time to time. The Education Legislation governs registration, regulation and funding of the Colleges. The Education Legislation includes legislative instruments made under Acts and Regulations such as Ministerial Order 1359 which applies to the Colleges located in and operating in Victoria and other instruments, ministerial orders, guidelines and registration requirements applicable in the states and territories in which the Colleges operate, as amended from time to time.

6. APPLICATION

6.1 Complaints Handling – Guiding Principles

MSA Ltd commits to the following principles:

- Complaints will be responded to in a prompt, impartial and just manner, including an acknowledgment of complaint within 2 -5 business days;
- Both the Complainant and the subject of the complaint will receive appropriate information, support and assistance in resolving the complaint;
- No person will be victimised because they raise a complaint;
- A non-adversarial, restorative approach will be taken to resolving complaints. Parties will work together with respect and openness to reach fair and reasonable decisions;
- Procedural fairness will be followed in all aspects of complaint handling;
- Complaints and their resolution will be fully documented and stored by MSA Ltd;
- Complaints will be handled in a manner which is consistent with current Australian legislation and relevant industrial agreements, and any reporting obligations will be undertaken;
- Where a Complainant is not satisfied with MSA Ltd’s investigation and its outcomes, they will be provided with options for having the outcome reviewed via a third party or external agency.

6.2 Complaints – Referring Personnel and Responsibilities

If a complaint is received from or about an MSA Ltd staff member, the relevant MSA Ltd executive will manage the complaint process.

If a complaint is received from or about a school, the relevant Regional Director will manage the complaint process.

If a Regional Director is the subject of the complaint, the National Director will manage the complaint process.

If the National Director is the subject of the complaint, the Chair of the Board of MSA Ltd will manage the complaint process.

The same processes outlined below in 6.3 and/or 6.4 will be enacted.

6.3 Informal Complaints Resolution

MSA Ltd will, in most instances, seek to mediate and resolve a complaint through an informal process involving the complainant and the person who is the subject of the complaint.

In participating in this process, MSA Ltd requests and expects that the parties involved will:

- Communicate and respond in ways that are constructive, fair and respectful;
- Provide complete and factual information about the concern or complaint;
- Observe confidentiality and a respect for sensitive issues;
- Have realistic and reasonable expectations about possible outcomes/remedies.

MSA Ltd will act in good faith to achieve an outcome acceptable to all parties. If the outcome is unsatisfactory to the Complainant, and/or if the complaint requires investigation, a more formal procedure (6.4) will be enacted.

6.4 Formal Complaints Resolution

If a complaint has not been able to be resolved informally, MSA Ltd will manage it in accordance with the following procedure.

Step 1. The formal complaint will be recorded in MSA Ltd's complaints management system.

Step 2. The complaint will be acknowledged in writing, within 2 – 5 business days, and allocated a status, priority and target resolution date. MSA Ltd will endeavour to resolve the dispute within 14 days, and if this is not possible, to provide an update to the Complainant every 14 days, or as otherwise agreed, until resolution.

Step 3. MSA Ltd will conduct an investigation into the issues raised, following principles of procedural fairness, and make a determination.

Step 4. Following the determination, MSA Ltd will formulate a resolution and provide a written response to the Complainant. The matter will be closed if this response is accepted or if the Complainant does not provide any response within 1 month.

Step 5. If the Complainant does not accept the response and a satisfactory outcome cannot be agreed upon, MSA Ltd will provide the Complainant with options for having the decision reviewed or mediated by a third party or an external agency. The Complainant will also be provided with information about where to seek external advice.

Step 7. Following resolution, complaints will be considered from a systemic perspective and, where appropriate, a corrective action plan will be made to address any underlying processes which the complaint's investigation revealed may require improvement.

6.5 Confidentiality

Confidentiality applies with respect to both information relating to the person making the complaint, and, if relevant, to a person against whom a complaint is made. For legal reasons, absolute confidentiality may not always be possible. These reasons include but are not limited

to, duty of care, workplace health and safety, child safeguarding, and safeguarding reporting obligations.

6.6 Record Keeping

MSA Ltd requires Colleges to keep records of complaints securely at the College. The Principal or their delegate will provide a report about the type and frequency of complaints to the Regional Director bi-annually and the Regional Director will provide a report to the National Director.

MSA Ltd keeps records of complaints handled by it in its complaints management system.

6.7 Monitoring Complaints and Reporting Processes

MSA Ltd will review the efficacy of complaints investigations and resolution processes annually. Complaints will be monitored and recommendations for improvement will be reported to the Board of MSA Ltd by the National Director.

7. RELATED POLICIES AND DOCUMENTS

MSA Ltd Whistleblower Protection
MSA Ltd Privacy Policy
MSA Ltd Child Safeguarding Framework Policy

8. POLICY HISTORY AND REVIEW

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| Version | 2 |
| Approved by | Board of MSA Ltd |
| Policy Owner | National Director |
| Date Approved | October 2022 |
| Next Review Date | October 2024 |

Schedule 1

- (a) Sacred Heart College, Adelaide SA, ABN 52 010 674 805:
 - (i) Registered Non-Government School
 - (ii) associated school boarding premises
- (b) Newman College, Churchlands WA, ABN 34 822 196385
- (c) Assumption Catholic College, Kilmore VIC, ABN 85 917 803 177:
 - (i) Registered Non-Government School
 - (ii) associated Registered School Boarding Premises, registered under the Education and Training Reform Act 2006 (Vic) and the Education and Training Reform Regulations 2017 as amended from time to time
- (d) Lavalla Catholic College, Traralgon VIC, ABN 74 453 482 885
- (e) Red Bend Catholic College, Forbes NSW, ABN 70 721 984 562:
 - (i) Registered Non-Government School
 - (ii) associated school boarding premises
- (f) Marcellin Catholic College, Bulleen VIC, ABN 77 413 001 496
- (g) Marist College Bendigo, Bendigo VIC, ABN 48 218 856 996
- (h) Marist College Canberra, Pearce ACT, ABN 62 466 078 521
- (i) St Joseph's College, Hunters Hill NSW, ABN 75 236 399 077:
 - (i) Registered Non-Government School
 - (ii) associated school boarding premises
- (j) St Gregory's College, Campbelltown NSW, ABN 18 940 977 322:
 - (i) Registered Non-Government School
 - (ii) associated school boarding premises
- (k) Marist College Ashgrove, Ashgrove QLD, ABN 13 937 359 780:
 - (i) Registered Non-Government School
 - (ii) associated school boarding premises.
- (l) The John Berne School, Lewisham NSW, ABN 68 159 188 251